

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

LINDA A. LAXEY,

Plaintiff,

v.

CBM ONE, LLC, *et al.*

Defendants.

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Case No. RWT 15cv2949

MEMORANDUM AND ORDER

On August 21, 2015, the Plaintiff filed a Complaint against the Defendants in the Circuit Court for Prince George's County. ECF No. 2. The Defendants removed the action to this Court on September 28, 2015, ECF No. 1. Subsequently, Defendant Marriott International Hotels, Inc. ("Marriott") filed a Motion to Dismiss on October 8, 2015.¹ ECF No. 9. The Response to the Motion to Dismiss was due on October 26, 2015. No Response was filed.

Approximately three months later, the undersigned's law clerk contacted counsel to inquire as to whether the Motion to Dismiss was unopposed. Plaintiff's counsel responded that he initially had chosen not to oppose the Motion to Dismiss, but now he wanted to oppose it. On January 22 and 27, 2016,² Plaintiff filed a Motion for Extension of Time to File a Response and a Response to the Motion to Dismiss. ECF Nos. 14, 15, and 16.

Plaintiff concedes several times that the Complaint as written does not state a viable claim against Marriott. *See, e.g.*, ECF No. 16, at 3; ECF No. 15. Thus, Marriott's Motion to Dismiss shall be granted.

¹ The remaining Defendants filed an Answer the same day. ECF No. 10.

² Due to a technical issue, the Memorandum in Support of Response was filed on January 27, 2016. The Court does not fault Plaintiff for this particular delay.

Although the Motion to Dismiss will be granted as to Marriott, Plaintiff shall have a limited opportunity to amend her Complaint. In her Response, Plaintiff asks for leave to amend, but includes no Motion for Leave to Amend, no Amended Complaint or a redlined Complaint. *See, e.g.*, ECF No. 15; ECF No. 16, at 5. Plaintiff also hints at, but does not address, the relevant legal standards for amending a complaint this late after the initial pleading. Plaintiff is reminded that all pleadings and motions submitted to the Court must comply with Federal Rules of Civil Procedure 8 and 11. Plaintiff is further reminded that motions for leave to amend a complaint must comply with Local Rule 103.6. Failure to abide by these rules or meet deadlines may result in substantial consequences. The patience of the Court is not endless.

Accordingly, it is, this 25th day of February, 2016, by the United States District Court for the District of Maryland

ORDERED, that Marriott International Hotels, Inc.'s Motion to Dismiss [ECF No. 9] is **GRANTED**; and it is further

ORDERED, that Plaintiff's Motion for Extension of Time to File a Response [ECF No. 14] is **GRANTED**; and it is further

ORDERED, that the Complaint is **DISMISSED WITHOUT PREJUDICE** as to **Marriott International Hotels, Inc.** and the Plaintiff shall have **fourteen (14) days** from the date of this Order to file a Motion for Leave to Amend Complaint in accordance with this Memorandum and Order, Local Rules, and the Federal Rules of Civil Procedure, otherwise the dismissal shall be with prejudice.

/s/
ROGER W. TITUS
UNITED STATES DISTRICT JUDGE